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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,493	06/02/2000	S. T. Lee	D-30207-01	6212

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EXAMINER

BISSETT, MELANIE D

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/586,493	Applicant(s) LEE ET AL. ed	
	Examiner Melanie D. Bissett	Art Unit 1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,6,8-14,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 and 17 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-6,8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The rejections based on 35 USC 102 have been maintained, and the claim objection has been withdrawn.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-3, 5-6, and 8-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Feichtinger.
4. From a prior Office action:

Feichtinger, discloses foam compositions comprising non-silane-grafted polypropylene with silane-grafted, essentially linear polyolefins, where the polyolefin has a density of 0.86-0.96 g/cc and a melt index of about 0.5-100 dg/min (claim 1). Low-density polyethylene is mentioned as an additional polymer (col. 11 lines 34-64), and the essentially linear polyolefins are copolymers of ethylene with an alpha-olefin (col. 6 lines 25-41). Both chemical and physical blowing agents are suitable to the invention (col. 14 line 62-col. 15 line 35), and cell structure stabilizers including fatty acid esters or amides are included (col. 17 lines 12-29). The materials are foamed due to a reduction in pressure after extrusion (col. 16 lines 24-29). Examples indicate the applicant's claimed foam density and thickness values. The reference prefers the essentially linear copolymer to compose about 10-40% of the composition, leaving about 60-90% of an additional resin including LDPE (col. 11 line 65-col. 12 line 7).

Allowable Subject Matter

5. Claims 16-17 are allowed.
6. From a prior Office action:

Feichtinger applies as above, teaching a broad range of 0.5-100 dg/min but failing to indicate motivation for choosing a polymer with a melt flow index of 23-69 g/10 min. It is the examiner's position that the combination of limitations of claim 19, including a polymer having a specified density and specified melt flow index, would provide a novel and unobvious step over the prior art.

Response to Arguments

7. In response to the applicant's arguments that the properties cited in Feichtinger refer to the pre-grafted/pre-crosslinked polyolefins, the examiner respectfully disagrees with this interpretation. First, the crosslinking has been described in the patent as a reaction occurring after the grafting of the polyolefins; thus, in this case crosslinking is separate from grafting procedure. It is the examiner's position that the polyolefin, in an "uncross-linked sense" refers to the silane-grafted polyolefin before crosslinking occurs. See col. 7, lines 60-64; col. 12, lines 8-21 for support of the separation of crosslinking and grafting procedures.

8. Furthermore, it is the examiner's position that "said polyolefin" or "the polyolefin" refers to the silane-grafted polyolefin and not the starting material for such a polymer. The reference focuses on the blending of a silane-grafted material with other polyolefins, even providing comparisons of the properties of silane-grafted materials to those of non-grafted polyolefins (examples VI-VIII). This indicates that the properties of the silane-grafted material are of concern. In the claims, the inventors refer to blending amounts of polypropylene with "said polyolefin", where "said polyolefin" refers to the silane-grafted polyolefin material (see claims 19, 25). By the applicant's interpretation, the claims would refer to the blending of polypropylene with a starting material polyolefin. It is the examiner's position that this is not the intent. For these reasons, it is the examiner's position that the reference teaches blending polyolefin materials with a

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silane-grafted polyethylene material, where the silane-grafted material possesses the cited properties.

9. Regardless of interpretation, the reference teaches a broad range of melt index values. It is the examiner's position that, although silane-grafted polymers may have lower melt index values than non-grafted polyolefins, the reference still encompasses silane-grafted polymers having high melt index values.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

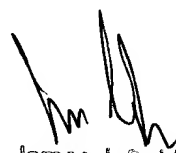
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie D. Bissett whose telephone number is (571) 272-1068. The examiner can normally be reached on M-F 8-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mdb



James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700